

REMARKS

Claims 1-26 were examined; claims 1-3, 5-8, 10-16, 18-21, and 23-28 are pending after this amendment.

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The office action dated June 4, 2003 has been received and its contents carefully reviewed.

In the Office Action, claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application 2002/0021400 A1 to Lyu et al. in view of U.S. Patent 5,612,801 to Winker in view of U.S. Patent 5,956,111 to Fujita et al. further in view of U.S. Patent 6,181,400 to Yang et al. further in view of U.S. Patent 6,342,934 to Kameyama et al. further in view of U.S. Patent 6,177,153 to Uchiyama et al. further in view of U.S. Patent 5,050,965 to Conner et al. In addition, claims 14-26 rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application 2002/0021400 A1 to Lyu et al. in view of U.S. Patent 5,589,963 to Gunning et al. further in view of U.S. Patent 5,956,110 to Fujita et al. further in view of U.S. Patent 6,181,400 to Yang et al. further in view of U.S. Patent 6,342,934 to Kameyama et al. further in view of U.S. Patent 6,177,153 to Uchiyama et al. further in view of U.S. Patent 5,050,965 to Conner et al.

Applicants amend claims 1, 10, 11, 14, 23, and 24 and add new claims 27 and 28 to more particularly recite the features of Applicants' invention in the claims. Claims 4, 9, 17, and 22 are canceled without prejudice or disclaimer.

The rejection of claims 1 and 14 is respectfully traversed and reconsideration is requested. Claims 1-3, 5-8, 10-16, 18-21, and 23-26 are allowable over the cited references in that independent claims 1 and 14 recite a combination of elements including, for example, "multi-layers of a first A-plate, an O-plate and a second A-plate". None of the cited references including Lyu, Winker, Gunning, Fujita, Yang, Kameyama, Uchiyama, and Conner, singly or in combination, teaches or suggests at least this feature of the claimed invention. The Examiner alleges only that Winker discloses "a monolithic optical compensation film... where the required

A, C, and O plate are disclosed" (Office Action of June 4, 2003, page 2, paragraph 2). Applicants respectfully disagree.

The structure of claims 1 and 14 of the present invention is different from the Winker structure in that Winker does not disclose, teach, or suggest the claimed multilayers. Winker discloses the arrangement of A and O plates in Table 1 of its specification (Winker, column 8, lines 34-63). However, none of the combinations of plates disclosed in Table 1 includes "multi-layers of a first A-plate, an O-plate, and a second A-plate". In fact, Winker does not disclose more than one multi-layer of any arrangement of A and O plates. At least for this reason, Winker does not disclose, teach or suggest at least this feature of claims 1 and 14.

Accordingly, Applicant respectfully submits that claims 1 and 14 and claims 2, 3, 5-8, 10-13 and claims 15, 16, 18-21, and 23-26 which depend from claims 1 and 14, respectively, are allowable over the cited references.

By way of another example, one of the features of new independent claims 27 and 28 is the "three dimensional refractive index of the first and second biaxial films having a relation of $n_x \neq n_y \neq n_z$ ". Of all of the references cited, the Examiner only alleges that Fujita discloses the relationship between refractive indices as claimed. Applicants respectfully disagree. Fujita does not disclose, teach, or suggest this feature as claimed.

Fujita discloses the relationship between refractive indices throughout its specification however, none of these are the claimed relationship. In particular, Fujita discloses the relationship $n_y > n_x = n_z$ (column 4, lines 33-36); $n_y > n_x = n_z$ (column 4, lines 56-57 and column 10, lines 63-64); and $n_x < n_y = n_z$ (column 10, lines 52-53).

Because Fujita does not teach, disclose or suggest this feature as claimed, claims 27 and 28 are allowable over the cited references at least for this reason as well.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed

Dated:

Respectfully submitted,

Reg: 52587

By *for* Henry L. Rudich

Rebecca Goldman Rudich

Registration No.: 41,786

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant



30827

PATENT TRADEMARK OFFICE